



Paper No. 25

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**MAY 05 2003**

**OFFICE OF PETITIONS**

In re Application of  
MCVEIGH et al.  
Application No. 09/274,152  
Filed: March 22, 1999  
Attorney Docket No. 42390.P7110

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 2, 2002, which has been treated as a petition to withdraw the holding of abandonment.

The petition is **GRANTED**.

This application became abandoned for failure to reply timely to the nonfinal Office action mailed August 21, 2001, which set a three-month shortened statutory period to respond. A Notice of Abandonment was mailed on August 26, 2002.

In the present petition, petitioners asserted that they filed a timely response to the nonfinal Office action. Upon a review of the file, it appears that petitioners submitted an amendment, a request for a one-month extension of time to reply, and an extension of time fee, each containing a certificate of mailing of December 6, 2001. Accordingly, the Notice of Abandonment is hereby vacated. The holding of abandonment is withdrawn and the application is restored to pending status in view of the fact that the amendment is being considered as timely filed and received in the USPTO.

The petition fee of \$1,280.00 will be credited to Deposit Account No. 02-2666, as requested by petitioners.

This application file is being forward to Technology Center 2600 for review of the amendment.

Telephone inquiries should be directed to the undersigned at (703) 306-5589.

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